

# Exhibit 12

## TOBEROFF & ASSOCIATES, P.C.

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May 9, 2022

Via Email

Molly M. Lens  
O'MELVENY & MYERS LLP  
1999 Avenue of the Stars, 8th Floor  
Los Angeles, CA 90067

**RE: Marvel's Document Production**  
***Marvel Characters, Inc. v. Lieber*, No. 1:21-cv-07955-LAK; *Marvel Characters, Inc. v. Ditko*, No. 1:21-cv-07957-LAK; *Marvel Characters, Inc. v. Dettwiler*, No. 1:21-cv-07959-LAK; *Marvel Characters, Inc. v. Solo*, No. 1:21-cv-5316-DG-TAM; and *Marvel Characters, Inc. v. Rico*, No. 2:21-cv-07624-DMG-KES**

Dear Molly:

We write to address the deficiencies in Marvel's production of documents. We have reviewed Marvel's production of documents to date and note that numerous critical categories of documents are absent from Marvel's production.

At present, Marvel's production consists only of:

- Defendants' own notices of termination
- Copies of comic books containing the terminated works
- Copyright registrations
- Some interviews
- Sample payment vouchers from the 1980s and 1990s
- Four copyright assignments between some Marvel entities
- Incentive payment statements from the 2000s

Without limitation, the following relevant, requested documents are missing from Marvel's wholly deficient production:

- Any agreements (aside from those incorporated into the vouchers) in response to:
  - Dettwiler RFP Nos. 1, 2
  - Ditko RFP Nos. 1, 2, 4
  - Lieber RFP Nos. 1, 2, 4, 31
  - Rico RFP Nos. 1, 2, 4, 18
  - Colan RFP Nos. 1, 2

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- Any payments to and the tax treatment of the CREATORS during the 1960s and 1970s in response to:
  - Dettwiler RFP Nos. 19, 20, 32
  - Ditko RFP Nos. 21, 22, 34
  - Lieber RFP Nos. 9, 32, 33, 50
  - Rico RFP Nos. 9, 29, 30, 47
  - Colan RFP Nos. 27, 28, 44
- Documents evidencing Marvel's right to control the CREATORS in response to:
  - Dettwiler RFP Nos. 5, 31
  - Ditko RFP Nos. 6, 33, 40
  - Lieber RFP Nos. 6, 49
  - Rico RFP Nos. 6, 46
  - Colan RFP Nos. 5, 43
- Any documents relating to Stan Lee (employment, payment, tax etc.) in response to:
  - Dettwiler RFP Nos. 6, 8, 9
  - Ditko RFP Nos. 7, 9, 10
  - Lieber RFP Nos. 7, 8, 10, 11, 34, 35
  - Rico RFP Nos. 7, 8, 10, 11, 31, 32
  - Colan RFP Nos. 6, 7, 9, 10, 29, 30
- Any payments to or agreements with other creators between 1961-1976 in response to:
  - Dettwiler RFP No. 10
  - Ditko RFP No. 11
  - Lieber RFP Nos. 12, 36, 37
  - Rico RFP Nos. 12, 23, 24, 28, 33, 34
  - Colan RFP Nos. 11, 21, 22, 26, 31, 32
- Documents evidencing ownership interest in the COPYRIGHT CLAIMANTS, COPYRIGHT CLAIMANTS' relationship to Martin Goodman, and COPYRIGHT CLAIMANTS' relationship to Marvel in response to:
  - Dettwiler RFP Nos. 11, 12, 13
  - Ditko RFP Nos. 12, 13, 14, 15
  - Lieber RFP Nos. 13, 14, 15, 16, 17, 18, 19, 20
  - Rico RFP Nos. 13, 14, 15, 16
  - Colan RFP Nos. 12, 13, 14
- Any communications whatsoever in response to:
  - Dettwiler RFP Nos. 14, 36
  - Ditko RFP Nos. 16, 38
  - Lieber RFP Nos. 21, 22, 55
  - Rico RFP Nos. 17, 52
  - Colan RFP Nos. 15, 16, 49
- Documents relating to the CREATORS' employment/freelancer status in response to:
  - Dettwiler RFP Nos. 16, 17, 18
  - Ditko RFP Nos. 18, 19, 20
  - Lieber RFP Nos. 28, 29, 30
  - Rico RFP Nos. 25, 26, 27

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- Colan RFP Nos. 23, 24, 25
- Any plots, scripts, or outlines relating to the WORKS in response to:
  - Dettwiler RFP Nos. 23, 24
  - Ditko RFP Nos. 25, 26
  - Lieber RFP Nos. 40, 41
  - Rico RFP Nos. 37, 38
  - Colan RFP No. 35
- Any documents concerning the alleged work-for-hire status of any of the WORKS in response to:
  - Dettwiler RFP Nos. 26, 30, 34
  - Ditko RFP Nos. 27, 28, 32, 36
  - Lieber RFP Nos. 42, 43, 44, 48, 52
  - Rico RFP Nos. 39, 40, 41, 45, 49
  - Colan RFP Nos. 36, 37, 38, 42, 46

It has been nearly three months since Marvel was served with Defendants' RFPs and two months since Marvel responded to Defendants' RFPs and, as is clear from the lists above, Marvel has yet to make a fulsome production of relevant, responsive documents. Instead, with just a few exceptions, Marvel has largely produced documents that (1) were already obviously in Defendants' possession (e.g., their own notices of termination), (2) are publicly available (e.g., copies of comic books, copyright registrations), or (3) are of marginal relevance (e.g., sample vouchers from the 1980s, 1990s, and incentive payment statements from the 2000s). While we appreciate that Marvel has produced hundreds of pages of comic books, Marvel cannot rest on such production "fluff" while failing to produce the most important documents in these cases.

We would like to address these issues with you during the parties' currently scheduled meet-and-confer discussion on May 11, 2022 at 11:00 a.m. PST. Nothing in this letter should be construed as a waiver or limitation of any of Defendants' rights or remedies, all of which are reserved.

Very truly yours,



Jaymie Parkkinen